



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2401697
Applicant Name: Darrell Goldfine
Address of Proposal: 9400 Olson Place SW

SUMMARY OF PROPOSED ACTION

Master Use Permit to short subdivide one parcel of land into eight unit lot parcels of land in a mapped steep slope Environmentally Critical Area. Proposed parcel areas are: Lot A) 6,765 square feet; Lot B) 4,632 square feet; Lot C) 6,115 square feet; Lot D) 23,801 square feet; Lot E) 7,134 square feet; Lot F) 7,134 square feet; Lot G) 4,666 square feet; Lot H) 4,608 square feet.

An Administrative Conditional Use Permit was approved to allow recovery of development credit and clustering of eight houses on one lot (DPD Project No. 2107692, Permit No. 742070, issued April 26, 2004). A SEPA review to allow construction of more than one dwelling unit on the same site in a critical area was also done as part of Project No. 2107692, and a SEPA Determination of No Significant Impact (DNS) was issued on April 26, 2001. The potential impacts from this optional unit lot subdivision were considered in the SEPA review for Project No. 2107692.

Master Use Permit 742070 approved the future clustering of eight single family structures on the relatively level bench area of the site closest to Olson Place SW. The eastern and southern portions of the site are characterized by steep slopes of 40% or greater. Project 2402063, an application for grading, placement of fill and some alteration to the level bench area of the site has not yet been approved or issued. No construction permits for actual development of the individual structures have been filed to this date, but environmentally critical areas steep slope general and submittal standards and other related development standards are still applicable to the proposed development.

The following approval is required:

Short Subdivision - to divide one parcel of land into eight unit lot parcels.
(Seattle Municipal Code Chapter 23.24)

SEPA DETERMINATION:

SEPA review was performed under IPD Project Number 2107692/Permit Number 742070. A Determination of No Significant Impact (DNS) was issued on February 12, 2004.

BACKGROUND DATA

Site Description

The site is located in West Seattle approximately 1/8 mile north of the Seattle City Limit where, at SW Roxbury Street, the City meets the unincorporated White Center urban neighborhood. The site is located on the south side of Olson Place SW toward the top of that street's southwesterly climb up the hillside from 1st Avenue South to SW Roxbury Street. In shape, the site is a trapezium of some 62,180 square feet with steep slopes characterizing the eastern and southern portions of the site. The portion of the site outside the steep slopes and their buffers is a relatively flat table; it is within this area that development will occur. The Steep Slopes on site are regulated under SMC 25.09.180. The southern steep slope area falls to the property from a developed single-family site to the south. The major steep slope area on the site, however, falls sharply away from the table atop the site to the east.

Area Development

The parcel is located in a SF 7200 zone. The areas immediately to the north, south and west of the site are similarly zoned SF7200 and are developed with single-family residences. The continuation of the steep slope system east and southeast of the site is zoned Commercial (C1-65). Immediately north of the site is an unopened portion of 3rd Avenue SW. Beyond the right-of-way the property is also zoned Commercial (C2-40) and developed with two large mini-storage structures. Continuing up the hill, along the east side of Olson Place SW, there are seven substantially-sized lots developed with single-family structures. The lot on the northeast corner of the intersection of Olson Place SW and SW Roxbury Street is developed with a 9-unit apartment building. That lot and the lot immediately to the north are zoned lowrise residential (L-2). The L-2 zoning runs east and west along the north side of SW Roxbury Street

There are a number of trees on the development site. There will be no disturbance to trees in the steep slope area and minimal disturbance in the buffer areas. Some trees within the development area will be removed; the area will be replanted with trees according to the approved landscaping plan accompanying Project 2107692.

Access to the site will be by means of a circular drive providing for entering and exiting off the improved Olson Place SW. Two 20-foot curbcuts, approximately 90 feet apart, will be required along the front property line.

Proposal Description

Master Use Permit to short subdivide one parcel of land into eight unit lot parcels of land in a mapped steep slope Environmentally Critical Area. Proposed parcel areas are: Lot A) 5,693 square feet; Lot B) 5,693 square feet; Lot C) 6,115 square feet; Lot D) 23,801 square feet; Lot E) 7,134 square feet; Lot F) 7,134 square feet; Lot G) 4,666 square feet; Lot H) 4,608 square feet.

Under the approved and issued Administrative Conditional Use Permit (MUP 2107692) the large undeveloped site would be developed with 8 single family dwelling units. Two of the units would align with Olson Place SW, only facing the interior of the lot. Six of the units would be arraigned scimitar-like between the access drive and the steep slope buffer, generally facing toward Olson Place SW. The steep slope areas along the easterly portion of the property would remain undeveloped. Parking would be located within the structures with four “guest parking” spaces provided in a niche between single-family structures directly off the circular access road. Pedestrian access to Olson Place SW and the improved sidewalk along the east side of Olson Place SW will be provided at two points by a sidewalk adjacent the on-site circular drive.

Approximately one half of the overall site is characterized by steep slopes and the property has insufficient non-critical area to qualify for a traditional short subdivision. Section 25.09.240 D states that critical areas and their required buffer areas receive no development credit for use in calculating the number of lots permitted. SMC Section 25.09.260, however, provides a process for DPD to authorize the recovery of development credit in a single-family zone through an administrative conditional use review. The Director may approve, condition, or deny an application based upon a determination of whether the proposed recovery of development credit on the site meets the applicable criteria. Section 25.09.260 also allows clustering of more than one principal structure on a single site. An ECA Conditional Use decision is a Type II decision, subject to the provisions of SMC 23.76, and is appealable to the City Hearing Examiner. The applicant therefore applied for the conditional use to recover development credit and to cluster eight houses on one lot, and this application was conditionally granted by DPD in Project No. 2107692 (Permit No. 742070, issued April 26, 2004).]

Although a standard short subdivision process is not available for the subject property with the development permitted under MUP 2107692, DPD has determined that a unit lot subdivision may be applied for and approved for sites that do not meet the standards of Section 25.09.240 D but qualify for approval of a conditional use permit to recover development credit. In this case, the applicant has demonstrated that eight houses can be constructed on the least sensitive portion of the property, with little or no disturbance of the non-exempt steep slope feature on the westerly portion of the site. In these circumstances, a unit lot subdivision (SMC 23.24.045) may be applied for, which allows the subject site, with eight single family residences, to be subdivided into eight individual unit lots but requires the development *as a whole* to meet applicable development standards. Those include both the standards in the Land Use Code applicable to single family development in the SF 7200 zone, and all applicable standards of the ECA Ordinance. However, the ECA Ordinance standards for short subdivisions, referenced above, are *not* applicable to unit subdivisions because the development will be regulated as a single site, rather than as eight individual sites.

Public Comments

The public comment period for Project No. 2107692 provided notice of the proposed development, and no comment unfavorable to the proposal was received at that time. Since the unit lot subdivision proposed in the subject application does not change the development proposal in any way, but merely provides the applicant with a means of conveying clear title to each new house and unit lot, the subject application does not require a separate notice and comment period. Nonetheless, public notice of the unit lot subdivision was made and a new comment period offered which ended on May 5, 2002. During that time DPD again received no comments on the project.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no unit lot subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Planning and Development (DPD); review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light; and, review by the Land Use Planner.

1. Conformance to the applicable Land Use Code provisions;

The existing parent lot subject to this unit lot subdivision conforms to all development standards of the SF 7200 zone. The parent lot configuration provides adequate buildable area to meet applicable lot area standards, yard standards, lot coverage requirements, and other land use code development standards. The unit lots proposed by this subdivision conform to the standards for unit lot subdivisions (SMC 23.24.045) and other code provisions applicable to unit lot subdivisions. Any new development must conform to land use code requirements at the time of application.

2. Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;

Each of the proposed unit lots will have adequate vehicle, utility and fire protection through a paved driveway over a permanent ingress and egress easement with access to Olson Place SW at two points. Four of the proposed lots have street frontage on Olson Place SW; the other four proposed lots have access to Olson Place SW by means of the permanent ingress and egress easement and shared driveway. The Seattle Fire Department has reviewed and approved this proposal for adequacy of emergency vehicle access.

3. Adequacy of drainage, water supply, and sanitary sewage disposal;

The development will occur outside of the ECA steep slope and its buffer area. Extensive grading of the development area outside the steep slope areas is anticipated. It is also anticipated that some

minimal disturbance will occur in the buffer areas during grading and construction. Development activities will include re-vegetation of the site that has been disturbed for both aesthetical purposes and for slope retention. Best management practices to protect the steep slope areas will be a requirement of any subsequent construction permits. A Drainage Management Plan showing zero discharge into the steep slope area will be required prior to issuance of any construction permits.

Although the applicant has not submitted a conceptual drainage plan showing proposed location of catch basins, water or sewer lines, the administrative conditional use permit to recover development credit and permit clustered development on-site in single family zones assumed compliance with the City's Stormwater and Drainage ordinance during and following construction. Since stormwater and drainage control needs must be considered wholistically, i.e., for the entire site in order to be effective, and since on-site retention of stormwater from the on-site roadway will be required, a detailed stormwater management plan for the entire site shall be required to be submitted at the time of the first application for a construction permit related to the site. Required development in compliance with issued Master Use Permit 742070 will be noted on the face of the plat.

If the project is greater than 5000 square feet of new or replaced impervious surface, a comprehensive drainage control plan, prepared in accordance with SMC Sections 22.802.015 D and 22.802.020, will be required.

Seattle Public Utilities reviewed the short subdivision application and approved Water Availability Certificate No. 20040842 on June 7, 2004. All conditions on the certificate must be met prior to receiving water service.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed subdivision is consistent with relevant SF 7200 zone land use requirements and meets the minimum provisions of the Seattle Land Use Code. As a unit lot subdivision, it is also consistent with relevant Environmentally Critical Areas policies and meets the minimum provisions of the Regulations for Environmentally Critical Areas. The proposal meets all applicable criteria for approval of a unit lot short plat as discussed in this analysis and decision. The public use and interests are served by permitting the proposed division of land.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

The proposal site contains mapped Steep Slope Environmentally Critical Areas as defined in Seattle Municipal Code Chapter 25.09. The environmentally critical areas general, submittal and other related development standards, as well as the specific conditions imposed by the administrative conditional use approval to recover development credit, are still applicable. This shall be noted on the final plat.

6. *Is designed to maximize the retention of existing trees;*

All proposed development is within the bench area; some further tree removal will occur with grading along the edge of the Steep Slope buffer area. Other existing stands of trees on the site will be preserved. The tree requirements of SMC 23.44.008, requiring planting of new trees for new development in SF 7200 zones, will be enforced when development is proposed, consistent with requirements for the parent lots. Nondisturbance of the ECA steep slope area will guarantee that existing trees are preserved. The nondisturbance area, including the location of permanent ECA markers, shall be shown on the final plat.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Section 23.24.045 of the Seattle Municipal Code provides that under certain circumstances some types of parcels may be created that do not individually meet the zoning requirements for lot size, yards, or lot coverage, or the requirements of Section 25.09.240 for a standard short subdivision within an environmentally critical area. These are called unit lot subdivisions and may be permitted as long as the development as a whole meets development standards. However, as a result of this subdivision, development on the individual lots may be non-conforming. To assure that future owners have constructive notice that additional development may be limited due to non-conformities, the following statement shall be required to be included as a note on the final short subdivision: "The unit lots shown on this site are not separate buildable lots, and the dwelling units constructed on this site constitute non-conforming structures pursuant to SMC 23.45.190. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

The owner(s) and responsible party(s) shall:

Prior to Recording:

1. Provide final recording forms and fees. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel or tract created by the short subdivision shall be surveyed in the field and all property corners set in conformance with appropriate state statute. The property corners set shall be identified on the

plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.

2. Insert the following on the face of the plat: "This site contains Environmentally Critical Areas (ECAs) as defined in SMC 25.09. The steep slope development standards of SMC Section 25.09.180 and specific conditions of DPD Project No. 2107692 (Permit No. 742070), as well as the ECA General, Submittal and abandoned landfill standards and other related development standards of Chapter 25.09 of the Seattle Municipal Code still apply to development on the site."
3. Insert the following in the face of the plat: "Development of any of these unit lots is restricted to the development approved in City of Seattle, Department of Planning and Development Project 2107692, Master Use Permit 742070."
4. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code and to the standards for Environmentally Critical Areas, SMC Chapter 25.09."
5. Install permanent ECA markers on site as described in DR 3-94. The plat shall show the location of the ECA nondisturbance area as approved in DPD Project No. 2107692 (Permit No. 742070) and the location of permanent ECA markers.
6. Provide on the face of the plat a Joint Use/Maintenance Agreement requiring each owner to keep the driveway (permanent easement for ingress, egress and utilities) clear at all times and providing for the shared maintenance and repair of the ingress and egress easement areas.
7. Include easement language to provide for electrical facilities and service to the proposed lots as required by Seattle City Light on the final Short Subdivision.
8. Provide a covenant that restricts development to areas specified on the approved site plan per SMC 25.09.240A.

Signature: (signature on file) Date: November 11, 2004

Michael Dorcy, Land Use Planner

Land Use Services

Department of Planning and Development

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